



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/770,639

02/02/2004

Francisco Sanchez-Madrid

27331-501CIP2A

1583

30623

7590

02/24/2010

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

EXAMINER

SKELDING, ZACHARY S

ART UNIT

PAPER NUMBER

1644

MAIL DATE

DELIVERY MODE

02/24/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10770639	2/2/2004	SANCHEZ-MADRID ET AL.	27331-501CIP2A

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

EXAMINER

ZACHARY SKELDING

ART UNIT	PAPER
----------	-------

1644

20100222

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The information disclosure statements filed January 22, 2010 and February 17, 2010 have been considered and signed copies are attached herewith. The consideration of these information disclosure statements at this time, which is not the normal time, was explained in the interview summary mailed today February 22, 2010 and repeated below for reference:

Applicant's representative called to ask if the examiner would consider the IDS filed January 22, 2010 in the absence of a response to the outstanding Office Action mailed December 1, 2009. The examiner informed applicant how this was not the normal procedure in that references cited on an IDS are typically considered concurrently with the examiner's consideration of a substantial response to the rejections of record and not during the intervening time. Applicant said that the reason they wanted to have the IDS considered at this time was that so that they could file a notice of appeal and an appeal brief at this time rather than filing a response under 37 C.F.R. § 1.111 BEFORE filing a notice of appeal and appeal brief. In the interest of compact prosecution the examiner agreed to consider the IDS filed January 22, 2010 in the absence of a normal response under 37 C.F.R. § 1.111. Applicant's representative further informed the examiner that they would today (1-17-2010) file yet another IDS citing a Choy 1996 reference. According to applicant's representative this Choy 1996 reference is substantially cumulative with the Choy 1998 reference which serves as the primary 35 U.S.C. § 103(a) reference in the most recent Office Action but needs to be considered now because they want to cite Choy 1996 in their forthcoming appeal brief. Again, in the interest of compact prosecution the examiner agreed to consider the IDS citing Choy 1996 which applicant's representative says has been filed today (1-17-2010) even though it is not being accompanied by the normal response under 37 C.F.R. § 1.111.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ZACHARY SKELDING whose telephone number is (571)272-9033. The examiner can normally be reached on Monday - Friday 8:00 a.m. - 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on 571-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

